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Joint written statement* submitted by the Fundacion Vida - Grupo Ecologico Verde and the Coordination des Associations et des Particuliers pour la Liberté de Conscience, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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It is time the Russian Federation ceases all persecutions against Religious Minorities••

It should have never started, but it is now time for the Russian Federation to ensure every and all persecutions against citizens and communities based on different beliefs cease once and for all.

The right to one's own belief, expression, and association has continued to be threatened in the Russian Federation for religious minorities, while some government officials promote an atmosphere of intolerance and discrimination against targeted religious communities and members across the country.

They may be Jehovah's Witnesses, Muslims, Evangelicals, Lutherans, Baptists, Pentecostals, Methodists, Presbyterians, Hindus, Buddhists, Scientologists or others, none of them are safe today in a country that is supposedly betting for protecting spirituality from materialism, but which contradictorily allows witch hunts, persecutions, discrimination, and biased misapplication of the law against those minorities whose numbers are not enough to defend themselves from the big giant that is trying to create a unique way of thinking, a unique belief. All this tailoring is made to negatively control a society that seeks spiritual freedom.

The religion of Scientology, its congregation, and its religious and social betterment groups (recognized in Europe, the United States of America, the United Kingdom of Great Britain and Northern Ireland, and many other countries in the world) is one example (but unfortunately not the only one) of a peaceful group that has become an important target of this Russian national campaign against religious repression.

Despite criticisms of the "Russian Law of Extremism" at the UN Human Rights Committee (28 April 2015), PACE Monitoring Committee within the Council of Europe (14 September 2012) and the Venice Commission (1 June 2012) and the call for the Russian Federation to correct the law that is violating human rights, officials in the Russian Federation continue to abuse it against minority religions.

As stated by the European Union Special Representative for Human Rights, Mr. Stavros Lambrinidis, at the Religious Freedom Ministerial that took place in the USA in July: "*It's been seventy years since the Universal Declaration of Human Rights was signed, which includes the critical right to freedom of thought, conscience, religion or belief (Article 18). This is both our international legal obligation and our compass as we protect FoRB[1], in our own societies and in the world. When FoRB comes under attack, all other rights can also be violated. When other rights are violated, then FoRB violations are often not far behind*"[2].

When informed of the different discriminations and persecutions taking place in Russia against Muslims, Scientologists, Jewish, Christians, and other religious groups, the staff of the European External Action Service have shown their strong concerns for the color that this discriminatory campaign is taking at the lands of an important partner such as Russia in so many other issues, but more support is still needed from individual countries to raise their voices together in order to convince the Russian Federation that the way to a better, stronger, and more loved Russian society is walked through the actual Freedom of Religion or Belief.

The widespread repression of religious literature, religious minorities and their members in the Russian Federation violates the principles of non-discrimination and equality in the United Nations Convention on Fundamental Rights and negatively affects the freedom of expression, religion, and association.

Both individuals and communities are cruelly facing punishment for sharing religious books that courts have wrongly deemed as being "extremist". Many of the punishments are fines, but in 2017, a court jailed a Muslim for two days because he lent a book to a friend.

If there wasn't any proof to it, it would be hard to believe that a nation such as Russia allows too many of their officials and law enforcement executives to distort the meaning of specific laws to persecute the very citizens and communities they form for having different beliefs and for carrying these persecutions in a complete Hollywood movie style, all of it under the justification of a misinterpreted Administrative Code Article 20.29[3]. Those prosecuted in 2018 include a woman who was fined for posting a link on social media to the website of the Jehovah's Witness and an online publisher for offering for sale a novel by a nineteenth-century Jewish author. The court ordered the seized novels to be destroyed. The 5 Russian Scientology leaders have been under continuous arrest for over 15 months without a trial for lawfully practising their faith as guaranteed by the Russian Constitution, and they all may face a sentence of six to ten years of imprisonment.

According to Forum 18 and talking about thousands of books and materials being put on a blacklist as if the times of the Inquisition have come back to life: "*The Federal List now runs to nearly 4,500 items and is irregularly updated. Although it is freely accessible and searchable on the Justice Ministry's website, the lack of full bibliographical details in many entries, delays before banned titles are added, and the List's sheer scale means that checking whether a particular item has been outlawed can be difficult or even impossible*"[4].

The Russian Constitution guarantees the right of every citizen to practice the religion of his/her choice, and none should be discriminated, and they should all be allowed to freely practice and disseminate their ideas be it in writing, video, or person to person regardless of where this is done.

The use of registration laws to discriminate and force "criminal" proselytism and actions.

A serious country cannot enact laws that impose religious registration and impose criminal penalties on unregistered religious activity, as it often constitutes draconian states methods of suppressing religious freedoms in violation of human rights.

Such state behaviours are denounced by the UN Human Rights Committee[5], the UN Rapporteur for Religious Freedom[6] and the OSCE Group of Religious Experts in consultation with the Venice Commission[7], the European Union[8], and the European Court of Human Rights in many cases, including the Church of Scientology Moscow against Russia[9].

In the **St. Petersburg Church of Scientology case and others against Russia**, the European Court of Human Rights established that:

> *"A 'religious group' without legal personality cannot possess or exercise the rights associated exclusively with the legal-entity status of a registered 'religious organization' – such as the rights to own or rent property, to maintain bank accounts, to ensure judicial protection of the community, to establish places of worship, to hold religious services in places accessible to the public, or to produce, obtain and distribute religious literature – which are essential for exercising the right to manifest one's religion. Thus, the restricted status afforded to 'religious groups' under the Religions Act did not allow members of such a group to enjoy effectively their right to freedom of religion, rendering such a right illusory and theoretical rather than practical and effective, as required by the Convention"*[10]

The Court found that the refusal of local authorities to grant the status of the legal entity of the applicant group interfered with the rights of the applicants under the right to freedom of religion (art. 9), which was interpreted in the light of the right to freedom of association (art. 11).

Instead of complying with this unambiguous decision of the European Court of Human Rights, the Russian local authorities have refused to register the Religious Group as a legal entity. The Russian Federation has equally imprisoned those who had successfully challenged the Government at the European Court of Human Rights for refusing to register religious organizations as legal entities.

When the authorities refused to register the St. Petersburg religious organisation, despite the positive decision of the European Court of Human Rights, the religious group returned to a Russian court, seeking to reopen and register the Saint Petersburg church based on the favourable decision of the European Court of Human Rights. However, the Russian courts continued to ignore the ruling and refused to register these organisations. And like if a revenge would be taking place, 5 russian scientologists (three of which were applicants in the before mentioned case) have been kept under pre-trial arrest for over one year, and with 4 of them still today under arrest, two of them in jail and two in home arrest, for practicing their chosen religion.

Conclusion

The international and legal standards require the equal and non-discriminatory treatment of religious minorities, the same the other religions benefit from. However, the Russian Federation has violated these standards by misapplying the law of extremism which controls religious materials, detaining believers for reading or publishing sacred books, refusing to register religious groups, prosecuting and harassing religious groups whose registration has been refused,

and liquidating and closing down places of worship for religious communities. These repressive measures have no place in a democratic society.

Millions of people around the world faithfully believe in the freedom of religion or beliefs and no discrimination, and they want to be able to practice their different religions every day without any problem, even in Russia. Every human being in the Russian Federation, and more specifically the minorities, deserve to peacefully enjoy their human rights in full.

**Plataforma Accion Social Unida (Spain), All Faiths Network (UK), European Federation for Freedom of Belief (EU), Center for Studies on New Religions (Italy), NGOs without consultative status, also share the views expressed in this statement.

END NOTES:

[1] - Freedom Of Religion or Belief

[2] - Ministerial to advance Religious Freedom Remarks by the European Union Special Representative for Human Rights Mr. Stavros Lambrinidis: https://eeas.europa.eu/delegations/united-states-america/48893/ministerial-advance-religious-freedom-remarks-european-union-special-representative-human_en

[3] - http://www.wipo.int/wipolex/en/text.jsp?file_id=442390

[4] - RUSSIA: Prosecutions for religious literature continue, by Victoria Arnold, Forum 18 http://www.forum18.org/archive.php?article_id=2403

[5] - Human Rights Committee Report, Kazakhstan, CCPR/C/Kaz/Q/1, 2 September 2010

[6] - Report, UN Special Rapporteur, Freedom of Religion or Belief, Para 25, HRC 19/60, 22 December 2011

[7] - See, e.g., OSCE and Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief, page 16

[8] - European Union Guidelines on the Promotion or Protection of Religion or Belief, Para. 40-41

[9] - *Metropolitan Church of Bessarabia v. Moldova*, (App. 4750/99), 2001; *Church of Scientology Moscow v. Russia*, (App. 18147/02).

[10] - *Church of Scientology of St. Petersburg and Others v. Russia*, Paragraph38,(Application no. 47191/06) (16 February2015)